

FILED *FW*

NOV 25 2009

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

NICHOLAS J. QUEEN,
Petitioner,

v.

TERRY O'BRIEN,
Respondent.

) Civil Action No. 7:09-cv-00173
)
)
)

) **ORDER**
)

) By: Hon. Jackson L. Kiser
) Senior United States District Judge

In accordance with the written memorandum opinion entered this day, it is hereby

ORDERED

that respondent's motion to dismiss is **GRANTED**; the petition is **DISMISSED**; and the case is
STRICKEN from the active docket of the court.

The Clerk is directed to send a copy of this order and the accompanying memorandum
opinion to the petitioner and counsel of record for the respondent.

ENTER: This 25th day of November, 2009.

Jackson L. Kiser
Senior United States District Judge